The People agt. Gen. Dix. great war is raging in this country, but its nce, and the causes which have produced it, and stantly ignored and dealed, by a certain class of our citizens, who, while they are unwilling to expose their own persons in the field are yet anxious, may, deter-

Treason, without earning the name of Traitors. The forbearance of the Government, not only to these persons, those bearing arms against it in the field, but to those plotting at home to aid their brethern in the

that while every constitutional means should be used to preserve the Union, to arrest, if possible, by moderate atould, at all events, not be called down by any offensive act on the part of the United States.

The Government waited with wonderful patience fill it was attacked, till the camon of South Carolina were discharged against its garrison in Fort Samter, and the emblem of our sovereignty trailed in the dust, and then Hon. Thus the war began.

One or two other words preliminary to our subject. and then we will examine the constitutional questions involved more closely.

The Rebels contend now, and always have contended, that they had a right to secode; that our Republic is a limited partnership, not a nation; that the Constitution is not a constitution, but a treaty between sovereign

States, formed a constitution, not a league, which was The right to make treaties, to delevy taxes, exercise exclusive legislative, and executive powers, allegiance of their citizens was transferred to the Gorand to govern and form the rule for decision even when in conflict with the previsions of a State Constitution. How then can a State be said to be sovereign, whose of the United States, which laws and Constitution are declared to be paramount to those of any State?

What shows most conclusively that the States are not I conclude. but treason against the Government of the Union. Treason cannot exist except where there is sovereignty. It is in its very essence a crime against sovereignty. by the very terms of the Constitution, a crime against the Covernment of the United States, and the Constituerament of the Union to punish it as such treason.

The Constitution, therefore, forms a supreme national not a lesgue. It is a Government of the people, m by the people, according to its own preumble. We, the people of the United States," &c., " form &c., and it operates directly upon this Constitution. having delegated to the United States, by the plain import of the language employed in the Constitution, sueme sovereignty and all the powers requisite to ere Nation, i. o., it is treason.

this Republic is not a nation; that we are not one pear to proceed according to "due process of law?" ple, but several peoples, loosely acting together on priniples which are no better than anarchy.

But it is a solecism to declare that any part of one nation may declare its secession, and total and final severance from that nation; to declare the disinte-

an of European opinion respecting the American war. But the very apparent, the certain solution of that probthe American Revolution were the most proposterous fools that

, sgainst which all civilized communities should government of England 1 Would not named 2 Would she justified in recisting such a revolt to the atmost? Would she in the state of homes for the

obstrated in respect to them. Hence the sense of the commander is clothed with all the attributes of the sense of parsons—before a civil trib in Magna Charta and the Bill of Rights, and whose respective of the sense of the commanders in active service. He is bound to only the content of the beloas corpus.

The editors of The North and Journal of Commerce, or even all its supers any power, and the clips of the commander is clothed with all the attributes of the unait No, Sir; no. The concession of each a right specific commander is clothed with all the attributes of the unait No, Sir; no. The concession of each a right specific commander is clothed with all the attributes of the unait No, Sir; no. The concession of such a right specific commander is clothed with all the attributes of the unait No, Sir; no. The concession of such a right specific commander is clothed with all the attributes of the unait No, Sir; no. The concession of such a right specific commander is clothed with all the attributes of the unait No, Sir; no. The concession of the Beleas corpus.

The editor of The North and Journal of Commence, or even was probably not less, we will say, than that of the editions of The North and The Journal of Commence, or even was probably not less, we will say the corpus of the commander is clothed with all the attributes of the unait No, Sir; no. The concession of such a right specific of the Commander is clothed with all the attributes of the unait No, Sir; no. The concession of the Beleas corpus.

The edition of The North and Journal of Commence, or even was probably not less, we will say, than that of the editions of The North and The Journal of Commence, or even was probably not less, we will say the north and the will the wind the With of Beleas corpus.

The edition of The North and Journal of Commence, or even was probably not less, we will say the north and the With of Beleas corpus.

The edition of the Army within a military chief or be punished. It was probably not less, we will say the north and the

without saying more, it is empowered to defend its own necessary or usual or not, if the government vested magistrate in time of war, then the power of a com-with this ultimate sovereignty deems them to be neces-nary. In such a strongle, a strungle for existence, the Our citizens have been so solicitous to preserve our libmined, to reap and enjoy all the advantages of netive destroy it?

But more of this presently. The Constitution contains the rules by which this supreme and ultimate the government of a civil community at peace.

I might here rest the case; but it may be proper passion for such persons has been conspiouous from the of fren. Dir. The Constitution residently overlooked in the case subject which render it peculiarly improper for the civit conducting civil Government in time of peace and the case. Rebels were in arms, with wowed purposes of headlifty to the Government, yet it was humanely determined, that while never the manually determined, that while never the control of the war, the rules which are to be conserved between the Government in time of peace and the rules which are to be conserved between the Government and its own citizens in peace, not between the Government in time of peace and the rules which are to be conserved between the Government and its own citizens in peace, not between the Government in time of peace and the rules which are to be conserved between the Government and its own citizens in peace, not between the Government and its own citizens in peace, not between the Government and its own citizens in peace, not between the Government and its own citizens in peace. but firm measures in recourse to force; and that, if the to them and give them aid and comfort, nor how Rebiguition of war should fall on our then happy had, it should at all events, not be called down by any offens.

have in existence a war between a National Govern- many of these soldiers and their officers. Rebels, and called out an army to suppress the Kebelwar is new being conducted, and that there is nothing these familiar with the Constitution. The States, in tion was adopted. That is the implied rule and the to be a permanent definition of the rights and powers of events and crimes arising in a time of war, and declare the Government so established, as well as a definition of that they are imperative, and must always and under the mode in which its sovereignty was to be exerted. all circumstances be obeyed, such an attempt, I repeat, ell the essential attributes of sovereignty to the General Amid the div of war it is impossible to follow laws see framed for civil administration in time of peace.

Take the famous 29 Ch. Mag. Charta for example. In substance it provides that no free man shall be deprived om functions of sovereign power. The of property or liberty unless by the lawful Judgment of is peers or the law of the land. Does that apply at all erarient of the Union, and they then owed their first times and under all circumstances ! Yes, say the ad obedience to the Constitution of the United States, vocates of this strange idea. Well, if so, it is obvious that Grant and all his predecessors have strangely mistaken their duty, for according to that rule Grant should never attack a redoubt until he had summoned a Now, under such circumstances, I maintain that it grand jury, and had the Rebels indicted; never selec a Rebel and keep bim imprisoned without the judgment gress of the United States, pursuant to the Constitution of a court; nor execute a deserter or a spy until tried would have been dereliet to duty had he not dene so, posterous. But I will examine this more critically before

sovereign is, that they have expressly ceded to the | To resume. In conducting this great war the Presi Government of the United States the right to praise dent must be governed by the laws of war as underson-treason not against them, not against a State, stood by civilized States when the Constitution was adopted, inasmuch as the Constitution does not provide

ow it shall be conducted.

By the terms of the Constitution, however, w the crime would be against the State; but treason is, land and naval forces; Congress has the power dele and reprisal, and to make rules regarding captures on tion contains an express delegation of power to the Gov-erament of the Union to punish it as such treason. that Congress has power "to raise and support armies;" "to provide and maintain a navy; " to make rules for

Government between independent sovereign States-not a lesgue. It is a Government of the people made forth the militia to execute the laws of the Union, supteres insurrections, and repel invasions:" and further to provide for organizing, arming and disciplining the militia, and for governing such part of them as may be the people as individuals, and not upon the States as employed in the service of the United States, who are States. Each of the States, with all of the other States, to be disciplined seconding to the discipline prescribed employed in the service of the United States, who are by Congress."

of the Republic, in framing the Constitution for the ate a Union and a Government invested with such sor- Government, which by their wisdom they created, dereignty, which should be a unit, any offense against signed that it should not be a rowerless fabric, liable to that unity is an offense against the sovereignty of the he blown over by every wind of faction. It was to be a stable government, and to have power when occasion To say that a State may secode is to say that the demanded it to call out an army for its defense. And Government of the United States is not sovereign; that how, pray, was this military power to be used? Was it it to make wer through the intervention of a Grand sense! The skill government censes to exercise its powers just wh gration of a power which is a unit. I shall proceed no then intercents, and takes away the functions of trial by jury. It is not quite apparent how this ment begins. The law of power, superior force. ther to prove that Secession is an impossibility as civil government and the military acts according to the well as a crime; that the supreme and ultimate power laws of war. The maxim, inter arma ellent lages, then. and sovereignty reside in the Government of the United States of States; that allegiance is due to it, and treason may be committed against it.

The many reside in the Government of the United Provinces, afterward the United States of the United Provinces, afterward the United Province The following is from The Christian Advocate and allows, indeed prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes, that the commander in which here. There are more than one hundred statutes of the prescribes and prescribes that the most power are more than one hundred statutes of the prescribes and prescribes that the most power are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes of the prescribes are more than one hundred statutes are more lem (if problem it may be called) gives it its another appear.

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The same prior that is an absence of power to investigate in the countries of William of Orange (usually called William the Silent), in great that the countries of the words of Mr. George Ticknor Curtis, the but when he ceased to direct the military arm, there is an absence of power to investigate in the countries.

The carries not our Countries the Mayor and it couled be the words of Mr. George Ticknor Curtis, the but when he ceased to direct the military arm, there is an absence of power to investigate in the countries of the words of Mr. George Ticknor Curtis, the but when he ceased to direct the military arm, there is an absence of power to investigate in the countries.

The carries not our Countries the but when he ceased to direct the military arm, there is an absence of power to investigate in the countries.

clothed and with which such commanders are invested, contact and state are among the usual powers of a Commander

The first daty of such a Commander is so to conduct lines by statute. protest—that it is a crisue arginet the national life, as much so the wars as to protect the nation, another chief duty as would be a similar revolt of Wales or Scotland from the devolving on him is to protect his army und render it

for the maintenance of rightons government, the prester in time of was to see to be incompanied in most should be the respect of the cirilized world for her?

The Government being a unit and supreme, an ettempt to destroy it by force of arms is an offense in suspects any posson of such a design, he may, may whatever mode the Constitution may have been formed, should arrive him. Here a respected spy should be arroad such a supreme Government has the right of selfroaded before he has time and opportunity to work on

mate power to maintain its own sovereignty, to protect it to be crime would tead to discover to maintain its own sovereignty, to protect it to be crime would tead to discover and overeignt and overeignt as a Rebel), that its exhibited as array, or any act in that especify, "Is 1730 as this act of Parliament was passed, which in mander-in-chief of an army, or any act in that capacity, without saying more, it is empowered to defend its own mander-in-chief of an arm, or any act in that capacity.

Without saying more, it is empowered to defend its own mander-in-chief of an arm, or any act in that capacity.

See appears to recognize that it is a part of the Royal precan be examined, reviewed, and punished by the civil effect appears to recognize that it is a part of the Royal precan be examined, reviewed, and punished by the civil effect appears to recognize that it is a part of the Royal precan be examined, reviewed, and punished by the civil

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Royal precan be examined.

> not apply to the government of an army, nor of a mili-tary district, while in a state of war, but relates only to I might here rest the case; but it may be proper to

magistrates to attempt to interfere in this particular

metropolis. That mob opposed the soldiery of the Property is protected by the same clause of single National Government, and murdered in cold blood Charte, and in as strong terms as personal liberty. If

have not taken up arms, and especially so aided by per- which put this beyond reasonable doubt, and it would stroyed by an army. If this were so no one would ashe easy to show that articles published in those very Government patiently and compassionately endeavored newspapers, and others of a kindred character, had also preposterous, ridiculous, to put down the Rebellien without the use of arms but a powerful tendency to produce the riot. Day by day, it was fluilly attacked and drawn into a war, which for more than a year past, those newspapers have teemed not only with the most violent invectives against the in its Constitution directly prescribing how a war shall administration of the Government and the administrabe conducted. The war then must be conducted ac- tion of the Army, but with articles, the manifest pur-States.

The fallacy of these arguments is easily shown to cording to the known laws of war when the Constitumuch as possible in its conflict with the public enemy. federation, and in becoming parts of a nation with one supreme Government, deriving its powers not from the lence, some of its provisions which were inserted in it And on the very day on which they were seized, they eral States, but from the whole people of the United as rules for the government of the judiciary, in admin-such a character as to have an inevitably injurious effect istering Justice in time of peace, and apply them to the on the Army and on the credit of the Govern- of making arbitrary arrests, is delegated to the Presi ment, which was then seriously impaired by the dent as Commander-in-Chief; but it can be exercised constant attacks made upon it in the newspapers which were thus seized. The entire management of those This is plain from the fact that the States surrendered is ridiculous. Inter arms silent Leges is the true maxim. and manifestly "adhered to" their cause, if not "to them."

> They say the proclamation was not known to be ferged. It suffices for the case of the representative of exercise, to be judged of only by the Commander inthe Government to say that no other paper published it. Chief. He alone, in his military capacity, is to deter- due process of law. All the other editors discovered its character; and if mine the fact and the exigency which demands the arthese did not, they should be treated as persons man-rest of persons, or the seizure or destruction of property. aging a dangerous machine without skill to conduct it. And his order must be obeyed. If he transcends the with safety to the commonwealth.

was not merely the right of the Commander-in-Chief civil court of law. to arrest the editors and seize the papers, but that he And what lesson has been taught us by the practic and convicted by a jury of his peers. The idea is pre- They were manifestly "aiding and comforting" the depe Robels. Their editors, not Gen. Dix, should be placed hardy partients were building in from phalanx to keenre on their defense.

plies, at least, that a civil co it be possible to bring every apy before it?

It obviously is a provision to be a peace and not amid the clash of sens,

"due process of law" and "trial by his poers" may not be out of place.

This clause, in substantially the same words in translation, is contained in the Constitution of the several States and of the United States. In the 29 Mag. Car. King John to his rebellions Barons in arms on the plain 137 years prior to that time. It is a solemn promise by applicable to but I need not remark on shall so use his forces as to do the greatest possible amount of damage to his enemy, to weaken him by all the means in his power, and to destroy or imprison all of his enumies if possible, and all property used by his enumies if possible, and all property used by his enumies and the or destroy or imprison and take or destroy or imprison and take or destroy or imprison and the fatal convictions. Of such description are all the strates as the nearest of the means in his power, and to destroy or imprison all of his enumies if possible, and all property used by his enumies and the fatal convictions without jury trial, and imprisonment, on convictions without jury

nate power to maintain its own sovereignty, to protect it to be a crime would tend to dissolve the army, and gan's case (Gragan, who was tried by Court Martini

war is a war of night. The question is simply, which erties that some of them, in parsuit of trial by jury, the list the stronger, the Government or they who seek to destroy it? either with death or indefinitely in any other way doubted." [I. Juriscommit Exer., p.

If such a law is not deemed to be inconsistent with I might here rest the case; but it may be proper to it such a law is not use ment to be income the mention there are some circumstances surrounding the Magna Carta in England, sarely our fac milder acts of lawry of these men, and which provided that any atter-Congress are not to be deemed infractions of the very same Carta. No doubt Congress has the same power possessed by Parliament in respect to martial law. The Court of Star Chamber, also, while it existed.

or against other enemies, or lagainst those who adhere that the Rebels looked for aid and comfort, and which heef was their exercise of an arbitrary power of fining, for

That a mob was incited to act no less by secret agents | the cinuse is applicable to the case before us, a comthan by their own misguided passions, there are facts mander in chief could be seed for all the property de-

> without any remedy for an abuse of power? The remedy I reply is full, ample, complete. The President may not be indicted by the Grand Jury it is true, but he may be impracted if he transcends the limits of his chief of the armics of the United States to arrest, by arrests of persons suspected of crime, but of which re power and acts maliciously and oppressively. That is military force, in time of civil war, at his proper peril proof of guilt could at the moment be furnished. That the remedy prescribed by the Constitution, and it is as provided in the Constitution, any man whom he has not was designed to authorize such arrests as these by the only remedy which can be applied. It is an amply

of habeas corpus, or, in other words, this power 1st. In time of war only.

2d. It must be within a military district of the United States:

3d. And pertain to military affairs; and

ermy in actual military operations in the field.

The power, although thus limited, is, in its famediat son or any other be subjected to the adjudication of a

of patriots in other lands, in contests for national its supplies to the Robels through Nassau, dependence and civil and religious liberty t When the In truth, those who are such attackle clause forbidding the Government to deprive any per-gained by the Soldiers of the Commonwealth, the pa- of this Government, if they can succeed only in proson of life, liberty, or property, without due process of triots of England were again warring under the lead- tecting from arrest those who are plotting for the over law. I have already attempted to show that this clause erglap of William of Orange in 16th, to establish and throw of that Government. The doctrine is never apdoes not prescribe a rule for a Commander in Chief of guarantee, by the trimmphs of the Revelation, the pealed to except in behalf of traitors. Would it not be time of war, but to the administration of rights of the people of Great Britain on a firm basis, better policy at a time like this to submit to a little in civil government in time of peace. That this is true is they did not hesitate to arrest all who opposed the onclear from its language. It relates to a criminal prosecu- ward march of the Nation, and many such arrests were mistakes even to be made in the matter of arrests—tha tion in a court before a judge sitting peacefully in the made by the minitary without process of law at the very tice. It breathes an air of peace and security. It im- question that the Crown was vacant by the voluntary if rigidly enforced, would render this our third War of process of law, of those who were thus plotting. The lished. Each acts in its own particular sphere inde-" risi per legale judicium parium up Leyden, were thus arrested. The three compiler orned by the rules established by our beautiful but or

> pursued by our Revolutionary fathers ! From the very beginning of the contest to the close of the Revolution-

Farly History Am. Methodists, L. chap., p. 27. He says: repealed.

without Secretarian which same be seriously around by European Share. The continue and the first of secretarian which same be seriously around by European Share. The months of the large and and comfort fo mennies, or what higher the solution of the large and and comfort fo mennies, or what higher the consideration of the purpose of giving aid and comfort to mennies, or what higher the consideration of the months of the purpose of giving aid and comfort to mennies, or what higher the consideration of the purpose of giving aid and comfort to mennies, or what high the consideration of the purpose of giving aid and comfort to mennies, or what high the consideration of the purpose of giving aid and comfort to them?

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Now, who is to determine in time of war who are comise, and the giving aid and comfort to the milks arms for miles, and the giving aid and comfort the secondary time, because of the suppositions, virtual and the time of problems of war given the purpose of giving and and comfort to the many through the commercial great when it also the commence of the purpose of giving and the literation of a Caraltition of the condition of the condition of the purpose of giving aid and commence and the commence of the purpose of giving aid and commence are considerable to the time of the purpose of the same of the purpose

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ARGUMENT OF AN AMICUS CURLE. government has, from the necessity of the case, ultig breach of authority, and certainly not a crime. To hold yer, Mr. Hargrave. He says, in his opinion upon Gro. Carroll, and Thomas Pinckney—but is it necessary to in-Chief he would be punished by the military tribunal and formation and the court of the case, ultig breach of authority, and certainly not a crime. To hold yer, Mr. Hargrave. He says, in his opinion upon Gro. Carroll, and Thomas Pinckney—but is it necessary to in-Chief he would be punished by the military tribunal and the court of the case, ultig breach of authority, and certainly not a crime would be punished by the military tribunal and the court of the case, ultig breach of authority and certainly not a crime. To hold yer, Mr. Hargrave. He says, in his opinion upon Gro. Carroll, and Thomas Pinckney—but is it necessary to in-Chief he would be punished by the military tribunal and the court of the case, ultig breach of authority and certainly not a crime. To hold yer, Mr. Hargrave. He says, in his opinion upon Gro. Carroll, and Thomas Pinckney—but is it necessary to in-Chief he would be punished by the military tribunal and the court of the case, ultig breach of authority and certainly not a crime. To hold yer, Mr. Hargrave. He says, in his opinion upon Gro. Carroll, and Thomas Pinckney—but is it necessary to in-Chief he would be punished by the military tribunal and the case, ultigated by the military tribunal and the carroll and the Fortunately for us, and that a precedent of higher authority might be left for the guidance of our Natio Executive, civil and military, in these trying times, both the parties to this significant case of arbitrary ar-

> fuse to defend their country should be excluded from its protection, and prevented from doing it injury." They limits the powers of the different departments, military then passed an not which amounted to a virtual out- judicial, and executive, and deron ney or lawyer who should prosecute or defend any suit at law for any one of them, should be treated as a pub- case, that should the judiciary attempt to punish the lie enemy. (Journal of Congress for Jan. 2, 1776.) Commender-in-Chief, or any one who Washington, in his correspondence at the time, gave the judge who should so act would render himself liable rules which are to be observed between the Government and its own eistrons in peace, not between the Government and its own eistrons in peace, not between the Government best than one year ago, all authority, both civil and punished offenses without proceeding by due course of less than one year ago, all authority, both civil and punished offenses without proceeding by due course of law, and without trial by jury. Hargrane says:
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> | Mashington, in his correspondence at the time, gave as his reason that, "Our enemies from the other punished offenses without proceeding by due course of law, and without trial by jury. Hargrane says:
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> | Mashington, in his correspondence at the time, gave and the course of law, and without proceeding by due course of law, and without proceeding by due course of law, and without proceeding by due course of law, and without proceedi low out this important, may'l not say this leading case, with with impunity. The impolicy of doing so is only to them and give them aid and comfort, nor how Reblis shall be punished, except that it limits forfeitures to
> the period of the life of the felon, who has been guilty of
> the period of the life of the punishment of this trensonable man
> himself, it says nothing, but leaves Congress to enset
> the remedy.
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> The period of the life of the felon, who has been guilty of
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> the remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert of prothe remediate trial by jury, and ex exert remember that the government of the sovereign people course of policy better calculated than any other to of the United States was not yet established), but because "it had not finally severed the tie which bound now the reproach of all good men who understand the the country to Great Britain, and because it had no ciril subject. As well try to arrest the course of Ningars machinery of its own through which its operations could with a feather as to arrest the course of this War by But it will be asked may arbitrary arrests be made be conducted." This disability ceased when that sover- such preceedings as these. eignty was established thirteen years afterward. And now, Sir, F apprehend that we ought to hear no more in the Constitution, has suspended the habeas corpus flack of authority on the part of the Commander-in- Why! Because it was necessary to make irregular reason to believe "adheres to the public enemy" of his the military arm of the Government. The wisdom country, or whom the safety of that country requires to that not all must concede who know the his

be "prevented from doing it injury."

It would seem, indeed, as if in a city in which the arms, It would seem, indeed, as if in a city in which the arms, provisions, clothing and cid provest still stands, in which hundreds of Tories to the Rebels through the port of Nassau. were imprisoned without "process of law" by the in-dignant army of the patriots under Washington for acts which tended to aid and comfort the enemy, only not of Congress, to order an arrest of suspected per about to years ago, it were not necessary to cite au-thorities. Our fathers of the Revolution thought it more beas corpus. This the safety of the Republic demands 4th. The act must be of such a nature as to sid the important to scarre the liberty of their country upon a Salus populi supress lex. A more direct logislative an ermy in actual military operations in the field. steet semi-traitors and suspected spies from arrest, gross commonly called the Indemnity act. In Jones ven if such arrests were by the military arm without agt, Seward the General Term of the Supreme Court of

Indeed the doetrine that the military cannot arrest without due process of law is a new conceit invented by distoyal persons during this war, to enable Rebel That statute absolutely exempts Gen. Dix from panish just limit of his power, however, it cannot for that reasonable articles which will divide and weaken the supporters of Government, and President. Even if the act were erroncous the exemp thus sid the public enemy, and also to soreca from deserved punishment men who have 'furnished arms and

In truth, those who are such sticklers for immunity from arrest, the freedom of speech and freedom of the the libertles of their country against Charles I., and press, seem to be quite willing that libertly shall be en-But it is said that the act was in conflict with the when to secure a permanent guarantee for the liberties tirely overthrown, and anarchy established on the rains rity in the administration of formal justice - some due administration of the law in the usual course of just time when Parliament was discussing and deciding the to the events actually taking place before us, and which, art could sit and administer abdication of James II. The history of the time Independence angatory and unavailing. But it needs justice. Could such a court be held in a camps Could abounds with such arrests. So, too, during the memo- not that the question should be thus put. Our laws at present are sufficient for the emergency. It is only Spain many plots were prevented, and often was medi- By those laws and our Constitution, the legislative, Perhaps a slight examination of the Mistory of the tated treason defeated by the timely arrest, without due executive, judicial, and military departments are estabwhere we read, "Nullus liber home capitatur vet inc as well as the three persons who conspired to deliver powers of the others; nor will it, so long as it is govtors were tried and executed, yet we nowhere read that play system of government. Each of these departments the military authority, under which the arrests and one determining its own powers, neither of the others can cutions took place, was objected to or complained of in determine upon them.

> But, to say nothing of the history of arrests by the | To repeat all in a word. The laws of the United military arm in other countries, what was the course States clothe the President with an impenetrable armor of protection. He is not subject to the jurisdiction of a ary War such arrests were made without due process of ity or in his character of Commander-in-Chief of the have determined to assert their supreme sovereignly, Army and Navy, but he may be impeached, and that is

I suppose the learned and ingenious counsel for the prosecution will not contend that they could indict the rally resolved not to import goods from England and President and his Cabinet for approving an act of Constate of citizens less the oppressive and unconstitutional Stamp set was gress. But when he note as Commander-in-Chief he Those who continued to trade with England and his officers are as much exempted from the laterpoin their military capacity, and they are actually and ab-

delphia, Maryland with Bahimors, Virginia with Norsell, Beside, this principle is recognized by the Constitution is st war with every recowned general against the statchey individual person in the other. Hence the Septeme Court of the other hand is st war with every recowned general against electric person in the other. Hence the Septeme Court of the other hand is jury, and be imprisoned till the fine is paid. Of the simply roted against electric person in the other. It provides for calling out armies and one of the greatest captain. ticlans and statement mow wall that such a right of seconds a party, non the simply rough against results indeed to accomplish great results in the great statement of the g and others. So we see that the rule was by no means prehensions, as there have been in the present war, of universal application in the administration of justice that it might ere long become so. It was in January, that the area of the was is only limited by the bounds. ever dabbied in State-craft if they organized the Republic on contact and the search of the control of the cont Parliament after repeated violations over one hundred with the army in Massachusetts. Now it is remarks war in the entire territories of the Union. Hence the and other losses which Perms sustained by reason times by statute. While, therefore, we see that men were daily imprise eran Chief, and the Congress, as the thea sovereign York, has been divided into military districts, under with his entire land as well as sen forces. oned without trial by jury in the regular course of the power sovered, m by necessity of the case, for Indo- the command of district commanders, and the City of Perhaps, however, the most instructive lesson for administration of justice, how was it in respect to its pendence was not yet declared and even the first Con- New-York is as much at war with the South as any nished by the page of history on this subject is to be did be a similar revoit of Waste of Social wind and advantage of Social was any und render it administration of justice, how was it in respect to its pendence was not yet declared and even the first Con- New York is as much at war of the Union. This is not a war of the Union of justice, how was it in respect to its pendence was not yet formed—acting independently of other part of the Union. This is not a war of the Union in Napoleon's campaigns in Italy in 1796 and other part of the Union. This is not a war of the Union of the Un note periods there were spasmodic efforts to apply each other, and without consultation, sent en armed tants of any given portion of territory against those of He, and he alone, led the French army, and controlled pictiers of such treason? Would she listen to remonstrances about the singular of men and the accritice of property in a should be the respect of the civilized world for her?

The Government being a unit and supreme, and supreme, and controlled for the singular of the Government being a unit and supreme, and controlled for the Prench army, and controlled for a symmanily and arbit insplied by the creation of an army and a Commander, insplied by the creation of an army and a Commander and the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to pursons accused of treason, faint, imperbet any other portion, but it is a war by the Government all its movements with a red of iron. He never had the rule to apply the with the sale any other portion, but it is a war by the Government and the rule to apply the red of designs and individual Rebels in army, there exists the sale treasing any other portion, but it is a war by the Government and the rule to apply the red of the French army, and controlled the rule to apply the rule to apply the rule to apply the red of the French army, and controlled the rule to apply the rule the Convention, "and not only so, but they arrested within and Des without, and Gen. Dix is in as full and were less than 60,000 strong, and commanded by the During the long wars of the Roses—the lowering many, and without any "judgment of peers" or "pro- as absolute-command here as Gen. Grant's before Rich- ablest warriors of the age, such as Marshal Warmer

celliaton. In treth, the civil fribunals are sugreme in time of peace; but the military anthorities in time of war are equally supreme within the legitimate bounds of both the parties to this significant case of armitary arrest left the reasons for their action upon record. The
Provincial Congress declared that "the majority of the
inhabitants of Queens County, having avowed a design
of remaining inactive speciators of the contest and of remaining inactive speciators of the concest and about a general want of public spirit," "those who research and that alone exempts from liability. The case of abown a general want of public spirit," "those who research and that alone exempts from liability. The case of abown a general want of public spirit," "those who research and that alone exempts from liability. The case of above a general want of public spirit," "those who research and that alone exempts from liability. The case of above a general want of public spirit," "those who research and that alone exempts from liability. And it is clear from the principles laid down in the

> to impeachment. The interests of the people in this great war, and the powers of those whom they have invested with their sovereignty for the time being, are not to be interfered Again, Congress, pursuant to the powers delegated

> tory of the War. This city has furnished this District declared this act, including its 4th section to be constitutional, notwithstanding the learned and ingenious criticisms of Mr. District-Attorney Hall ment for any act done pursuant to the orders of the

Lastly: I disclaim placing the argument on so low ground as to say that it was done without criminal i tent and so cannot be punished as a crime. Having as impenetrable shield, I disolaim the use of less impregas

ble armor. Gen. Dix is a patriot, engaged in the discharge of the highest duties which now devolve on the patriots of this nation, and he has discharged his duties with patriotic arder from the time he ordered an officer that if any man attempted to strike the fing, he was "to shoot him on the spot," until the present moment. We are engaged in a war to defend the life of the National Government a Government which is the first and only successful Republican Government in which liberty has been duly protected without descending into anarchy. In this contest the armies of the Union have not met all the enmies of the nation. Faction has stimulated some o our citizens to the verge of treason, till they raise their puny hands and exert all their pigmy powers to thwart and render augutory all the efforts of the Government to

put down the Rebellion, at a time when the fire of civil war is at the vitals of the Republic. These two newspapers in their own way and so far as their powers tended, have used all their ability, all their skill, and heir atmost resources in the cause of the Rebellion; and much more effectually than if they had been in the Robel States. And in Horne Tooke's case it was decided that an overt act of treason might be committed by writing and printing treasonable matter if it led to riotous as semblies to oppose the Government by violence. The Rebellion, instead of hiding away, and crawling off in secret as formerly, now raises its crest and spits and mutters its treason in the very face of the Government,

in the daily columns of these papers. So, too, a small branch of a discontented party, as if court of law when acting in either his Executive capac- demented, as if unable to see that the entire people the unity and indivisibility of the Republic, and that they will repel all assaults upon it, institute such shorest the Government in conducting this war to a successful conclusion, as well as to create disse

among loyal people

The example furnished by the history of the war of